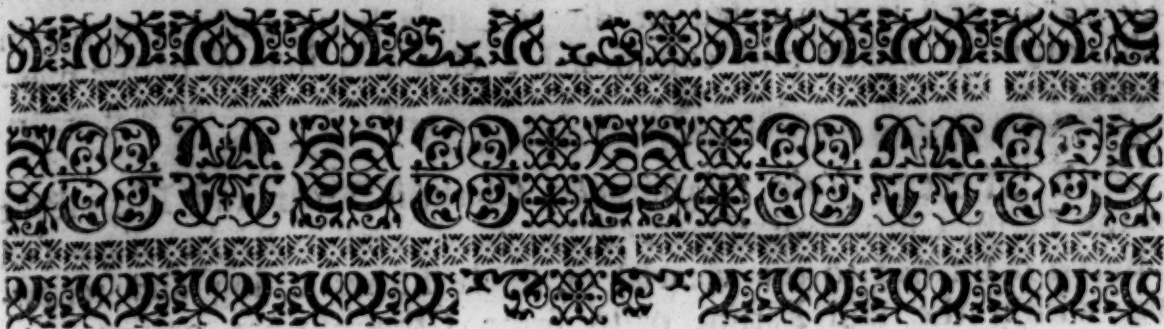


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*England. - Parliament. [Bills. - II George III.]*



*Read 11 Feb. 1765*

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*Enacted 5 Geo. III. Private Act,  
C. 34.*

# B I L L

F O R

Dividing and Inclosing the Common Fields and  
Common Grounds in the Manor and Parish  
of *Denford*, in the County of *Northampton*.



Whereas there are several open and common arable Preamble.  
Fields, common Meadows, and other commonable  
Grounds, situate, lying, and being within the  
Manor and Parish of *Denford*, in the County of  
*Northampton*, called or known by the several  
Names of *Ringstead*, *Merefield*, *Middle Field*,  
*Croydale Field*, *Outer Meadow*, and *West Meadow*,  
respectively, and containing together by Estimation One thousand  
Four hundred and Fifty Acres :

And whereas *Leonard Burton*, Esquire, is Lord of the said Manor  
of *Denford*, and Patron of the Advowson of the Vicarage of the  
A Parish



Parish Church of *Denford* aforesaid; and is also Owner and Impro-  
priator of the Rectory of *Denford*, and the Tithes of Corn, Grain,  
and Hay, and all rectorial Tithes arising within the said Parish of  
*Denford*; and is also seised of divers Lands lying and being within  
the common Fields and commonable Grounds herein before-men-  
tioned:

**And whereas** *John Glasbrooke*, Clerk, is Vicar and Incumbent  
of the Parish Church of *Denford* aforesaid, and in Right of his said  
Church is intitled to the vicarial or small Tithes arising and renew-  
ing within the said Parish, or to some Compositions or pecuniary  
Payments in Lieu thereof; and the Right Honourable *John Lord*  
*Saint John* of *Bletso*, *William Westbrooke Richardson*, Esquire,  
*Pigot Ince*, Esquire, *John Godfrey*, Esquire, *Samuel Roughton*,  
*Francis Roughton*, *Francis Freeman*, *Richard Saunders*, and divers  
other Persons, are Owners of and intitled to the Rest of the Lands  
and Grounds lying and being and comprized in the said common  
Fields and commonable Grounds, in the Manor and Parish of *Den-*  
*ford* aforesaid:

**And whereas** great Part of the Lands and Grounds of the said  
Land-owners, Freeholders, and Proprietors respectively, lie intermixed  
and dispersed in small Parcels in and over the said common Fields  
and common Grounds, and the Cultivating and Manuring the same is  
thereby rendered more expensive and inconvenient, so that the same  
Lands and Grounds in their present Situation and Circumstances are  
in a great Measure incapable of Improvement; and the said *Leonard*  
*Burton*, the Lord of the said Manor, and Owner of the said impro-  
priate Rectory, and also the said Lord *Saint John*, *William West-*  
*brooke Richardson*, and *Pigot Ince*, and other the Freeholders and  
Owners of Lands in the said common Fields and common Grounds  
in *Denford* aforesaid, in order to improve their several Estates and  
Properties in the said Manor and Parish, have proposed and are de-  
sirous that the said common Fields, common Meadows, and common  
Grounds should be divided and inclosed, and that the Lands and  
Grounds therein respectively comprized should be set out, assigned,  
and allotted, unto and for the said *Leonard Burton*, as Lord of the  
Manor and Improprator, and other the said Freeholders, Land-  
owners, and Proprietors respectively, in certain and specific Lots and  
Parcels, in Lieu of and as a Compensation for their several Lands,  
Grounds, Common Right, Estates, and Properties, lying, being, and  
arising within the said common Fields and common Grounds re-  
spectively:

**But although** such Division and Inclosure would tend great-  
ly to the Advantage of the said Land-owners and Proprietors, and be  
an





an Improvement of their several Estates and Properties within the Manor and Parish of *Denford* aforesaid, Yet the same Division and Inclosure cannot be established and effected to answer the Purposes aforesaid, without the Aid and Authority of Parliament;

May it therefore please Your MAJESTY,

That it may be **Enacted; And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the common Fields, common Meadows, and commonable Lands and Grounds, situate, lying, and being in the Manor and Parish of *Denford* aforesaid, shall, on or before the ~~first~~ *first* Day of ~~June~~ *June* which ~~will be in the year of our Lord 1760~~ *will be in the year of our Lord 1760 or soon after as conveniently may be* be set out, divided, and Commissioned by *Henry Sparks of Hamerton in the parish of St. Nicholas in the said County of Nottingham Esquire William Pywell of Barnwell in the said County of Nottingham Gentleman George Salmon of Southam in the County of Warwick Gentleman Miles Lawley Junr. of Burley near Oakham in the County of Rutland Gentleman and William Bradley Clerk Rector of Heyford in the County of Oxford*

Commissioners appointed for that Purpose, and their Successors, or any or more of them, in such Manner, and by, with, and under and subject to such Rules, Orders, Directions, and Provisions, as are herein after laid down, established, appointed, and prescribed.

**And, for that Purpose, It is hereby further Enacted and Declared**, That the said Lands and Grounds, so intended to be divided and inclosed as aforesaid, shall be surveyed and measured by such Person or Persons as the said Commissioners or their Successors, or any ~~three~~ *three* or more of them, shall nominate and appoint; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each and every Proprietor, shall be therein set forth, specified, and ascertained; and the said Survey shall be laid before the said Commissioners or their Successors, or any ~~three~~ *three* or more of them, from time to time, as they shall order or direct, at any of their Meetings to be held pursuant to and for the Purposes of this Act.

A Survey shall be made thereof, and laid before them at their Meetings.

**And it is hereby further Enacted**, by the Authority aforesaid, That the said Commissioners or their Successors, or any ~~three~~ *three* or more of them, shall and may, and they are hereby authorized and im-  
And they shall afterwards make Allotments,  
powered,



first to Leonard Burton, in respect of the Lands lying waste and unoccupied,

and then in respect to Glebe Land and impropriate Tithes,

and then to John Glasbrooke, for his Small Tithes.

After such Allotments are made all Tithes, both Great and Small, shall be extinguished,

powered, after the said Survey shall have been laid before them as  
afore said, in the First Place to assign, allot, and appoint, unto and for  
the said *Leonard Burton*, the Lord of the said Manor of *Denford*,  
such Parcel and Quantity of Land, lying and being and comprized  
within the said open and common Fields, common Meadows, and  
commonable Grounds, as by the said Commissioners respectively shall  
be considered, deemed, and adjudged to be an adequate Compensation  
for his Right to the Soil of the Lands and Grounds lying waste  
and unoccupied within the said open and common Fields, and com-  
mon Grounds, so intended to be inclosed: And also that they the said  
Commissioners or their Successors, or any ~~three~~ or more of them,  
do and shall in the next Place, out of the Residue and Remainder of  
the Lands and Grounds lying and being in the said common and  
open Fields and Grounds, assign, allot, and appoint, unto and for  
the said *Leonard Burton*, such Parcel and Quantity of Land and  
Ground, Part of the said common Fields, common Meadows, and  
commonable Lands and Grounds, as they the said Commissioners  
shall in their Judgment and Discretion think to be a full Reconcurrence  
and Compensation for the Glebe Land of and belonging to the said  
Rectory, and for all Tithes of what Nature or Kind soever belong-  
ing to him, as Impropiator within the said Manor and Parish of  
*Denford* afore said, and will produce upon completing, and by Means  
and in Consequence of the said intended Inclosure, an Increase and  
Improvement of the yearly Rent and Value of the Lands and Grounds  
to be allotted to him, for and in Lieu of the said Glebe Land and  
Tithes, in such and the same Proportion as the yearly Rent and Va-  
lue of the Lands and Grounds of the other Freeholders and Land-  
owners, lying and being in the said common Fields and common  
Grounds, shall, at an Average, be augmented and improved by Means  
of the said Inclosure: And also that the said Commissioners and their  
Successors, shall and may, and they are hereby authorized and im-  
powered to assign, allot, and appoint, such Parcel and Quantity of  
Land and Ground, Part of the commonable Grounds so intended to  
be inclosed as afore said, unto and for the said *John Glasbrooke* and  
his Successors, Vicars of the Parish Church of *Denford* afore said, as  
they in their Judgment and Discretion shall think to be an Equivalent  
and Compensation for all the vicarial and other Tithes, Composi-  
tion, Modus, or Rates for Tithes, belonging to the said Vicar or his  
Successors, and arising, renewing, or payable within the Parish of  
*Denford* afore said.

And it is hereby Enacted and Declared, That immediately  
after such Allotments shall be made to the said *Leonard Burton* and  
*John Glasbrooke* respectively, all Tithes of what Nature or Kind  
soever, and all Compositions, Rates, or Payments for Tithes, arising,  
renewing,



renewing, or payable to them respectively, within the Manor and Parish of *Denford* aforesaid, shall cease, determine, and be extinguished.

**Provided always,** That nothing herein contained shall prejudice or affect the Right, Title, or Interest of the said Vicar or his Successors, to any Tithes of the old Inclosures, whereof the Owners or Occupiers are not intitled to any Right of Common in the said common Fields, or to any Mortuaries, *Easter* Offerings, or Surplice Fees, arising or renewing within the said Parish.

except the vicarial Tithes of the old Inclosures, who have no Common Right in the Fields.

**And it is hereby further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners and their Successors, or any ~~three~~ or more of them, and they are hereby authorized and impowered to set out, allot, and appoint One or more Plot or Plots, Parcel or Parcels of Ground, in such Place or Places of the common or commonable Places intended to be inclosed as aforesaid, as they shall think proper and convenient, and to be separated and fenced off and from the same in a proper Manner, in order and to the Intent that the same may be used and enjoyed as Quarries or Gravel Pits, by all the Inhabitants of the said Parish of *Denford*, for the digging and getting Stone and Gravel, as well for the making and repairing the several Buildings, Walls, and Fences, of and belonging to their several Houses, Farms, and Tenements, as for the repairing the Roads and Ways within the said Parish, so as the said Plot or Parcels of Ground, so to be set out and allotted for the Purposes aforesaid, do not exceed in the Whole the Quantity of *two* Acres.

To set out a Plot or Plots for making a Quarry or Gravel Pits, for the Use of the Inhabitants.

**And whereas** Part of the common Meadows so agreed and intended to be inclosed as aforesaid, are held and enjoyed by the Owners thereof as their separate Property respectively during Part of the Year, and until the first Crop of Hay be had and taken from the same, and are afterwards, and for the rest of the Year, laid open and depastured in common, by and with the Cattle of the several Freeholders and Landowners intitled to Right of Common in and upon the said common Fields and common Grounds so intended to be inclosed; **Now it is hereby Enacted and Declared,** That the said Commissioners and their Successors shall and may allot and appoint, unto and for such Persons as are Owners of Meadow Grounds only, in Lieu of and Compensation for the same, such Parcel and Quantity of Land and Ground, lying and being in the common Fields and common Grounds of *Denford* aforesaid, as in the Judgment of the said Commissioners will, upon and by Means of the said Inclosure, produce to the Persons to whom the same shall be allotted One Half more than

Proportionable Allotments to be made to the Owners of Meadow Ground, intitled to the First Crop only.



and over and above the present clear yearly Income of the said Meadow Grounds.

Commissioners directed to allot the Rest of the Fields unto and amongst the Freeholders and Land-owners, in Lieu of and as a Compensation for their Lands and Common Right there.

**Provided always,** That the Increase and Improvement of the yearly Rent and Value to be made of such last mentioned Allotment shall not exceed the Improvement of the Rent and Value of the Lands and Grounds to be allotted to the other Owners and Proprietors of the Lands and Grounds to be inclosed, in Proportion to the Value thereof respectively; and also that the said Commissioners and their Successors, or any ~~three~~ or more of them, do and shall assign, set out, allot, and appoint all the Rest and Residue of the Lands and Grounds, lying and being and comprized within the said open and common Fields, common Meadow, and commonable Grounds, so intended to be inclosed as aforesaid, and which shall not be allotted unto and for the several Persons and for the several Purposes herein before directed and appointed as aforesaid, unto and for the said *Leonard Burton, John Lord Saint John, William Westbrooke Richardson, Pigot Ince, John Godfrey, Samuel Roughton, Francis Roughton, Francis Freeman, Richard Saunders,* and the several other Freeholders and Persons, being Owners and Proprietors of, and intituled to Lands and Grounds and Common Right in and upon the open and common Fields and commonable Grounds, so to be inclosed as aforesaid, subject to such Rules, Provisions, and Directions, as are in and by this Act declared, expressed, appointed, and prescribed.

And that afterwards all Common Right shall be extinguished.

**And it is hereby further Enacted and Declared,** That the several Lands and Grounds, which shall be assigned and allotted unto, for, and amongst the said several Freeholders, Owners, and Proprietors as aforesaid, shall be in Recompence, Compensation, and Satisfaction for the several Lands and Grounds in the said common Fields, now belonging to them respectively, and for all their Right of Common in, over, and upon the same: And that after such Division and Inclosure shall be made of the said common Fields and commonable Grounds, pursuant to this Act, all Common of Pasture and other Common Right in, over, and upon the said common Fields, Meadows, and commonable Grounds, so to be inclosed as aforesaid, shall cease, determine, and be extinguished.

Commissioners to set out Ways and Roads,

**And it is hereby further Enacted,** That the said Commissioners, or any ~~three~~ or more of them, shall and may ascertain, set out and appoint all such publick and private Ways or Roads, Drains and Sewers, in, over, and upon the Lands and Grounds intended to be inclosed, with the Assizes and Breadths thereof, as they shall think requisite, proper, and necessary in that Behalf; so as all such publick Roads and Ways (except Bridle Roads and Footways) in case any such shall



shall be set out and appointed, shall be and remain at least Feet broad, between and exclusive of the Ditches; and that all such publick Roads or Ways shall at all Times for ever afterwards be repaired and amended by and at the Expence of the Inhabitants of and within the Parish of *Denford* aforesaid, in such and the same Manner as the other Roads and Ways within the said Parish are repaired and kept in Repair, and according to the ancient Usage and Custom of and in the same Parish; and that it shall not be lawful for any Person or Persons, after the making such new Roads or Ways, to use any Roads, either publick or private, over the said new Inclosure, on Foot or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be ascertained, set out, and appointed as aforesaid.

And it is hereby further Enacted, That it shall and may be lawful to and for the said Commissioners and their Successors, or any ~~three~~ <sup>and to raise 12d. in the Pound for repairing them,</sup> or more of them, and they are hereby directed and impowered to raise and levy, in Aid of the Means already prescribed by the Laws now in Being for repairing publick Roads, upon all and every such Proprietor or Proprietors, to whom the Lands intended to be inclosed shall, by their Award, be allotted and assigned, and upon the Lands to be respectively allotted and assigned unto them, One equal Rate of ~~two shillings~~ <sup>in the Pound, according to the improved Value of such Allotment or Allotments; which Rate shall be raised</sup> ~~and~~ <sup>in like Manner, at such Time or Times, and by such Person or Persons, and be subject to the like Powers and Remedies for the Recovery thereof, as the Expences of passing this Act, and other the Expences attendant thereon, are herein after directed to be raised, and as the said Proprietors, and the Lands so to be allotted to them, are made liable and subject to by this Act; which said Rate, when raised and paid, shall, by the said Commissioners and their Successors, be paid over into the Hands of the Surveyor or Surveyors of the Highways of and for the Township or Liberty of *Denford* aforesaid for the Time being, and shall be by him or them, with all convenient Speed, laid out and disposed of for the Purpose of buying and digging for Materials, for repairing and new making the said publick Roads, hiring Carriages and Labourers to work on the said Roads to be set out by Virtue of this Act, and for the new making, repairing, and amending the said publick Roads, which they the said Surveyors are hereby directed to do with the utmost Expedition that can be, after the Receipt by them of the Monies to be raised by the said Rate from the said Commissioners.</sup>

And it is hereby further Enacted and Declared, That when and as the Lands and Grounds comprized in the said open and common Fields, common Meadows, and commonable Grounds, so to be inclosed <sup>and to order and direct the fencing and repairing the Fences of the several Allotments,</sup>



inclosed as aforesaid, shall be set out, ascertained, and allotted, in pursuance of this Act, the several Hedges, Ditches, and Fences, to be made for the inclosing, separating, and dividing the said Lands and Grounds respectively, shall be made, and at all Times thereafter repaired and maintained by such Proprietors, at such Times, and in such Manner, as the said Commissioners, or any or more of them, shall, by such Award, Instrument, or Writing, as is herein after mentioned, order, direct, or appoint; and for the better preserving their young Hedges, it shall and may be lawful to and for the respective Persons, to whom any Allotment shall be assigned or allotted by virtue of this Act, from time to time, and at all Times during the Term of ~~four years~~ next after making such Award, Instrument, or Writing, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding ~~two~~ Feet from such Ditches, and also at any Time before the End of the said Term to remove, take, and carry away such Posts and Rails, or other Fences, and convert the same to his, her, and their own Use and Benefit.

Gates and Fences may be made on the adjoining Freeboards,

**And be it further Enacted,** That where any Parcel or Parcels of Land so to be inclosed and allotted as aforesaid, shall abut or adjoin upon any Freeboard or Freeboards, belonging to any of the Proprietors of any of the common Fields or inclosed Lands next adjoining to the said several Fields, and Lands hereby intended to be inclosed, the Person or Persons to whom such Parcel of Lands shall be allotted shall and may, and they are hereby impowered to set up and erect Gates, or any other kind of Fence or Fences, in, over, and upon such Freeboard or Freeboards, for the raising and preserving the Quicksets, Banks, Wood-Plants, and other the Fences to be raised upon such Parcel or Parcels of Land, until such Time as the Owner or Owners of such Freeboard or Freeboards shall sufficiently and at his own Expende have ditched, fenced, and mounded out the same Freeboard or Freeboards from the said Parcel of Land adjoining thereunto.

and to direct Springs and Watercourses for watering the Grounds,

**And,** for the better enabling the said Commissioners to accommodate and furnish such of the said Proprietors new intended Allotments or Shares with Water, where the same in their Judgment shall be wanted; **It is hereby further Enacted,** That the said Commissioners or their Successors, or any ~~three~~ or more of them shall and they are hereby impowered to direct, order, and award all Streams of Waters, Springs, and Water-courses in the said Lands and Grounds, to be carried and conveyed in such Courses, and through such Lands and Grounds, Parcel of the Lands hereby intended to be inclosed, as they in their Discretion shall think proper for the Purposes aforesaid: Provided that such Streams of Water, Springs, and Water.



Water courses, shall be directed, carried on, and conveyed; so as not materially to prejudice any Person or Persons intitled to the same Lands and Grounds respectively.

And be it further Enacted, by the Authority aforesaid, That <sup>and to order</sup> ~~after~~ such intended Division and Inclosure shall be made, the Grass <sup>who shall</sup> and Herbage growing and renewing on the said Roads and Highways, <sup>have the</sup> shall be taken, held, and enjoyed by the Lord of the Manor, or such <sup>Herbage and</sup> other Person or Persons, as the said Commissioners or their Successors, <sup>Grazing of</sup> or any ~~three~~ <sup>the Highways</sup> or more of them, shall order, direct, or appoint.

And it is hereby further Enacted, by the Authority aforesaid, <sup>and the</sup> That from and after the passing this Act, the said Commissioners, or <sup>Course of</sup> any or ~~three~~ <sup>Husbandry,</sup> more of them, shall order, direct, and appoint the <sup>and stocking</sup> Course of Husbandry that shall be used in such of the said common <sup>the Grounds.</sup> Fields and common Grounds intended to be inclosed as shall be fallow Fields the Year the said intended Division shall be made, and in all and every other the said common Fields and common Grounds not being fallow, till such Time as they the said Commissioners shall have finished and completed the Division and Allotments, and executed the Award or Instrument herein after directed to be by them made and executed: And that all the Lands in the common Fields and common Grounds aforesaid shall in the mean time, and until the Execution of the said Award, be subject to such Rules, Orders, and Directions, with regard to the stocking, plowing, sowing, tilling, manuring, or cultivating the same, as the said Commissioners, or any or more of them, shall order, direct, or appoint in that Behalf.

And whereas it may be for the Benefit and Convenience of several of the Parties interested in the said intended Inclosure, that some of the Lands and Tenements so to be assigned and allotted to them respectively, by virtue of this Act, should be exchanged for other Lands and Grounds, lying and being in the Parish of *Denford* aforesaid; **Be it therefore Enacted and Declared,** by the Authority aforesaid, That it shall and may be lawful to and for Infants, Guardians, Husbands, or Feme-coverts, Committees, Trustees, and all other Person or Persons whatsoever, having any Estate or Interest in the Lands and Grounds so to be assigned or allotted as aforesaid, and they are hereby authorized and empowered, by and with Consent of the said Commissioners, or any ~~three~~ or more of them, and by them ascertained and declared in their Award, to make Exchanges and Conveyances of the said Tenements, Lands, and Grounds, so be assigned and allotted to them respectively, or of any Part or Parts thereof, as well for other Lands to be assigned and allotted to any other Person or Persons in pursuance of this Act, as for any other <sup>Power to exchange Allotments.</sup> Lands,



Lands, lying and being in the Parish of *Denford*, being Part of the late or ancient Inclosures, so as the Lands to be taken in Exchange be held and enjoyed in such and the same Manner, and for such and the same Estates and Interests, as the Lands, Grounds, and Hereditaments, so to be conveyed and exchanged, were respectively held and enjoyed before the passing this Act; and such Exchanges and Conveyances shall be good and effectual to all Intents and Purposes, as if the Parties so exchanging were respectively seised in Fee-simple of the Lands and Grounds by them respectively to be conveyed and exchanged; any Thing herein to the contrary notwithstanding.

Leases at Rack Rents to be void, so as proper Recompence be made to the Lessees, as the Commissioners shall direct.

**And be it further Enacted**, That all and every Lease and Leases upon Rack Rent now subsisting, of all or any Part or Parts of the said common Fields, common Meadows, and commonable Grounds, hereby intended to be inclosed, or by virtue of this Act to be exchanged as aforesaid, and of all Right of Common in and upon the same, and all other Agreements to let or hold the same for any Time or Term at a Rack Rent, shall, upon the ~~fourth~~ Day of ~~October~~ 1765 cease and be void, so as the respective Owners and Proprietors of the Lands and Grounds, comprized in any such Lease or Agreement, make such Satisfaction to such Lessee or Lessees, Tenant or Tenants, when required, as the said Commissioners, or any ~~three~~ or more of them, shall, in their Judgment, ascertain, declare, and appoint to be an Equivalent or reasonable Compensation for the same.

Directions about fencing the Vicar's Allotment.

**And it is hereby Enacted and Declared**, That the Lands and Grounds so to be allotted and set out for the said *John Glasbrooke* and his Successors as aforesaid, in Lieu and Compensation of and for such Vicarical Tithes, and Portions of Tithes respectively, so belonging and payable to him as aforesaid, shall be inclosed, for the first Time, by a Ring Fence, with a Ditch and Quickset thereon, and substantial Posts and Rails on each Side thereof, to defend the same, by and at the Expence of such other of the Proprietors, and in such Manner, as the said Commissioners, or any ~~three~~ or more of them, shall, for that Purpose, order, direct, and appoint, and shall ever afterwards be maintained and supported at the like Expence of the other Proprietors as aforesaid.

Further Directions about fencing against Woods, Brooks, or former Inclosures.

**Provided always, and it is hereby Enacted and Declared**, That such of the said Proprietors, whose Allotments or Shares in the said intended Inclosure shall lie and be situate next and adjoining to any Lands or Grounds already inclosed, shall not be obliged to make or erect any Hedges, Ditches, or Fences against such Lands, Woods, or Brooks, but that the antient Hedge or Fence dividing the said common Field from such former Inclosure shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall from



from time to time be cleansed, scouted, and repaired at the equal Costs and Charges of the Proprietors of such Allotments, and of the Proprietors of the Land lying on the other Side of such Hedge or Fence respectively.

**Provided always, and it is hereby further Enacted and Declared,** That convenient Gaps and Openings shall be left in the Fences of the Inclosures and Allotments to be made in Pursuance of this Act, for the Space of *Six* — Calendar Months next after the signing such Award or Instrument, for the Passage of Cattle, Carts, and Carriages in, by, and through the same, unless the several Parties interested therein shall agree that the same shall be sooner fenced in, made up and inclosed.

Former Owners of Lands allotted to others may take away Bushes and Shrubs.

**Provided nevertheless, and it is hereby further Enacted and Declared,** That in case any Lands or Grounds upon which any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs shall, at the Time of making such Allotment, be standing, growing, or being, shall be allotted and assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotment, then and in such Case it shall and may be lawful to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times within the Space of *Six* — Calendar Months next after such Allotment shall be made, to enter into the Lands and Grounds upon which such Trees, Underwoods, Thorns, Hedges, Bushes, and Shrubs shall be standing and being, and to fell and cut down, and with Horses and Carriages to carry away the same, at his and their Wills and Pleasures, to and for his and their own Use and Benefit.

**Provided also,** That if any such Hedges or Fences now standing upon the said Premises shall be assigned or appointed by the said Commissioners as or for a Boundary or Fence for any of the new Inclosures or Allotments so intended to be made as aforesaid, all such Hedges or Fences shall be left for the Benefit of such Person or Persons to whom such new Inclosure shall belong by virtue of this Act, he, she, and they making such Allowance or Consideration to the former Owners and Proprietors of such Hedges and Fences respectively, as the said Commissioners, or any *three* or more of them, shall, by any Writing under their Hands and Seals in that Behalt, order, direct, or appoint.

**And whereas** several of the Owners and Proprietors of the Lands and Grounds lying in the open and common Fields, common Meadows, and commonable Grounds, so intended and directed to be divided and

inclosed,

Power for Infants and others to borrow Money to pay the Charges of Inclosing.



and to charge  
their Lands  
with the prin-  
cipal Money  
borrowed, and  
Interest.

But the Mort-  
gager to co-  
venant to  
keep down  
the Interest  
during his  
life.

inclosed as aforesaid, his, her, or their Trustee or Trustees, Committee or Committees, Guardian or Guardians, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences attending such Inclosure and Division, and the obtaining and passing this Act, and cannot, by reason of some Settlement and Settlements already made of the said Lands, Grounds and Premises, or some Part thereof, or other Impediments or Incumbrances respectively affecting the same, make an effectual Security thereon for the Money wanted to be raised and borrowed for the Purposes aforesaid; **Be it therefore further Enacted**, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, or Minors, or Lunatics, or beyond the Seas, and to and for any of the said Owners or Proprietors for the Time being of the Lands and Grounds intended to be inclosed as aforesaid (except the said *John Glasbrooke* and his Successors, Vicars as aforesaid) by and with the Consent and Approbation of the said Commissioners or their Successors, or any *three* or more of them, to be signified in Writing under their Hands and Seals, from time to time, to charge the Lands and Grounds which shall be assigned and allotted to them respectively by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding *forty Shillings* for every Acre of the Lands and Grounds so to be allotted to them respectively, to be paid to such Person or Persons as the said Commissioners, or any *three* or more of them, shall for that Purpose respectively nominate and appoint, in order to be applied and disposed of for the Purposes afore-mentioned; and for securing the Repayment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, and demise the Lands and Grounds so to be charged, unto such Person or Persons as shall advance or lend the same respectively, for any Term or Number of Years; so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid; and so as in every such Grant, Mortgage, or Demise, which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises, for the Term of their natural Lives only, or by his, her or their Trustee or Trustees, Guardian or Guardians, there be contained a Covenant to pay and keep down the Interest of the Money to be thereby respectively secured, during his, her, or their respective Lives.

**And it is hereby further Enacted**, That every such Grant, Mortgage, Lease, or Demise of the said Grounds, Lands, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby declared



declared and intended, notwithstanding any Will, Use, Trust or Limitation of or concerning such Lands or Grounds and Premises, or any Part or Parts thereof, then in being, or capable of taking Effect.

**And it is hereby further Enacted**, by the Authority aforesaid, <sup>The Commissioners to make an Award.</sup> That after the said Commissioners shall have completed and finished the Partition, Division, and Allotments of the said common Fields, common Meadow, and commonable Grounds, pursuant to the Directions and according to the Tenor and Purport of this Act, they shall form and draw up an Award, Act, or Instrument thereof in Writing, which shall specify and express the Quantity and Number in Statute Measure of Acres, Roods, and Perches, contained in the Lands and Grounds so intended to be divided and inclosed, and the Quantity and Contents of each and every Parcel thereof assigned and allotted to the respective Parties intitled to the same, and specify, describe and ascertain the Situation, Buttrals and Boundaries of the said Parcels and Allotments respectively; and shall also set down and prescribe Orders and Directions for hedging, ditching and fencing the same, and maintaining and keeping such Hedges, Ditches and Fences in Repair, and for making and laying out proper Ways, Roads, Passages and Drains in and through the same Premises; and also shall contain <sup>Directions for preserving and taking Copies thereof.</sup> such other Orders, Regulations and Determinations as shall be necessary and proper to be therein inserted, in Conformity to the true Intent, Purport, and Tenor of this Act; and Two Parts of such Award, Act, or Instrument shall be fairly ingrossed on Parchment, and signed and sealed by the said Commissioners, or any ~~three~~ or more of them; and One Part thereof shall, within *six* — Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled by the Clerk of the Peace for the County of *Northampton*, or in some of the Courts of Record at *Westminster*; and the other Part of the said Award, Act, or Instrument, shall be kept in the Parish Chest in the Church of *Denford*, to the End that Recourse may be had to the same by any Person or Persons interested in the said intended Inclosure; and for the Inspection and Perusal of that Part of the Award so to be inrolled, *one Shilling* shall be paid, and no more; and a Copy thereof, or of any Part thereof, signed by the proper Officer (for which no more shall be paid than *two pence* per Sheet, each Sheet to contain not less than *twenty* Words) shall, from time to time, and at all Times, be admitted and allowed in all Courts whatsoever as legal Evidence of the same.

**And whereas** it is requisite that a convenient Time should be fixed for every Person intitled to any Part of the said intended Inclosure to accept of their Allotments and Shares; **Be it therefore Enacted and Declared**, That all and every Person and Persons, to <sup>Directions about accepting the several Allotments.</sup> and for whom any Allotment or Allotments shall be made of the said  
D common



common Fields, common Meadows, and commonable Grounds so to be divided and inclosed as aforesaid, do and shall, within *six* Calendar Months after the Execution of the said Award or Instrument, and Notice in Writing affixed on the Door of the said Parish Church for that Purpose, signed by the said Commissioners, or any *three* or more of them, accept of his, her, or their Share or Allotment respectively; and in case any Persons shall neglect or refuse to accept his, her, or their respective Allotment within the Time before-mentioned, such Person or Persons so neglecting or refusing shall be totally excluded from having or receiving any Benefit or Advantage by this present Act, and also from any Estate or Interest or Right of Common whatsoever, of, in, or to the Lands and Grounds so assigned and allotted to any other Person or Persons by virtue of or under this Act.

**Provided always, and it is hereby further Enacted and Declared,** That the Guardians, Husbands, and Committees, Trustees or Attorneys of any Person or Persons, being Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to accept such Allotments so to be made as aforesaid, shall be and are hereby enabled and required to accept thereof, for the Use of such Person or Persons so incapacitated as aforesaid; and such Acceptance shall be, and is hereby declared to be, as valid and effectual as if the Person or Persons for whom the same shall be made respectively were capable of acting for themselves, any thing herein contained to the contrary notwithstanding.

**Provided also, and it is hereby further Enacted and Declared,** That the Non-claim or Non-acceptance of any Guardian, Husband, Committee, Trustee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Feme-covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim or accept within *one year* after such Disability removed; or of any Person or Persons, intitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within *twelve* Calendar Months after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued.

And about  
defraying the  
Expences of  
the Act.

**And it is hereby further Enacted,** That the Costs and Charges incident to and attending the obtaining and passing this Act, and of the surveying, dividing, and allotting the Lands and Grounds so intended to be inclosed as aforesaid, and the preparing and inrolling the said Award or Instrument, and all the Charges and Expences in, about, and concerning the said Premises, shall be borne, paid, and defrayed by the several Persons to whom the said common Fields and common Grounds so to be inclosed shall be respectively allotted,  
other



other than and except the said *John Glassbrooke* and his Successors, Vicars of the Parish Church of *Denford* aforesaid, to be settled, adjusted, and ascertained by the said Commissioners, or any ~~three~~ or more of them, in Proportion to the Value of the Lands and Grounds so to be assigned and allotted, to the said Parties respectively, as to the said Commissioners, or any ~~three~~ or more of them, shall seem meet and expedient; and that the said *John Glassbrooke* and his Successors, Vicars of the Parish Church of *Denford* aforesaid, shall be totally exempted, discharged, and indemnified from any Share, Proportion, or Contribution of the Charges and Expences abovementioned.

And it is hereby further Enacted, That if any Person or Persons shall refuse or neglect to pay, his, her, or their Share or Shares, Proportion or Proportions, of the Costs and Charges so to be settled and ascertained by the said Commissioners, as aforesaid, within the Time to be limited by the said Commissioners, or any ~~three~~ or more of them, for Payment thereof, then and in such Case it shall and may be lawful to and for the said Commissioners, or any ~~three~~ or more of them, to enter into and upon the Premises, so to be allotted and assigned, to such Person or Persons so refusing or neglecting to pay as aforesaid, and take and receive the Rents, Issues, and Profits thereof, until thereby or therewith the Share or Shares, Proportion or Proportions of the said Costs and Charges so to be directed, awarded, and appointed by the said Commissioners to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

And recovering the same against Persons refusing.

And be it further Enacted, by the Authority aforesaid, That in case any Difference or Dispute shall happen to arise, between any of the Parties interested in the said intended Inclosures, concerning and relating to the Situation, Boundaries, and Extent of their several Lands and Grounds, lying in the said common Fields and common Grounds of *Denford*, so intended to be inclosed as aforesaid, or their Right of Common, in and upon the same respectively, it shall and may be lawful to and for the said Commissioners, or any ~~three~~ or more of them, to summon the contending Parties; and after hearing them, to make such Award, Judgment, and Determination, in, about, and concerning the Premises, as to them shall seem just and reasonable; and that such Award, Judgment, and Determination, shall be finally binding and conclusive to the said Parties respectively.

The Commissioners to determine all Disputes and Differences between the several Proprietors.



Not to pre-  
judice Settle-  
ments.

**And be it further Enacted,** by the Authority aforesaid, That the several Lands and Grounds, which upon the said Inclosure and Division shall be assigned and allotted to the several Parties interested in the Premises in pursuance of this Act, whether the same belonged to and were the Property of the same Parties, or of any other Person or Persons respectively, at or immediately before such Allotment, shall, from and immediately after the Time of such Allotment, go, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted shall from thenceforth stand and be seised thereof to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Leases, Wills, Limitations, Remainders, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Grounds, Tenements, and Hereditaments, in lieu or in respect whereof such Allotments shall be made in pursuance of this Act, now are or should and would have been subject and liable to, or charged with and affected by, in case the same had remained uninclosed, or this Act had not been made.

Saving to the  
Lord of the  
Manor of his  
Royalties.

**Provided always, and be it further Enacted and Declared,** by the Authority aforesaid, That nothing herein contained shall prejudice, impeach, or defeat the Right or Title of the Lord of the Manor of *Denford* aforesaid for the Time being, of, in, and to the Seignory and Royalties incident and belonging to the said Manor; but that he, and all and every Person and Persons claiming under him as Lord or Lords of the said Manor for the Time being, shall and may, at all Times hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons, Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Franchises, Jurisdictions, Privileges, and all other Royalties to the said Manor incident or belonging or in any wise appertaining (other than and except such Common of Pasture and other Common Right as can or may be claimed, by or belonging to the Lord or Lords of the said Manor for the Time being, in and upon the Lands and Grounds so directed and intended to be inclosed as aforesaid) in as full, ample, and beneficial Manner and Form to all Intents and Purposes, as they or any of them could or might have had, held, and enjoyed the same in case this Act had not been made.

Commission-  
ers to give  
Notice of  
their Meet-  
ings.

**And it is hereby further Enacted,** by the Authority aforesaid, That the said Commissioners, or any ~~three~~ or more of them, shall and they are hereby required to give Notice in the Parish Church of *Denford* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of the First and every subsequent Meeting of the said Commissioners for the Execution of the Powers hereby



hereby vested in them, at least ~~and~~ Days before every such Meeting (Meetings by Adjournment only excepted).

And it is hereby further Enacted, That it shall and may be lawful to and for the said *John Glasbrooke* and his Successors, by and with the Consent and Approbation of the Patron of the Advowson of the said Vicarage, and the Bishop of *Peterborough*, or other Ordinary of the Place for the Time being, to grant any Lease or Leases to any Person or Persons of the Lands or Grounds to be allotted to the said *John Glasbrooke* and his Successors, as Vicars as aforesaid, by virtue of this Act, or of any Part or Parts thereof, for any Number of Years not exceeding ~~fourteen~~ Years, so as the same may commence within *Six* Months next after the making the said Award or Instrument; and so as the best and most improved yearly Rent or Rents be reserved and made payable thereupon, without any Fine or Premium being taken by the said *John Glasbrooke* or his Successors, as Vicars as aforesaid, for the making or granting thereof; and so as such Rent or Rents thereby to be reserved be made payable to the Vicar of the said Vicarage for the Time being, and his Successors, Half-yearly and so as the usual Powers of Re-entry for Non-payment of such Rent or Rents, and such other necessary Clauses be inserted therein as is usual in Cases of the like Nature, any Law, Usage, or Custom, to the contrary thereof in any-wise notwithstanding.

Power for the Vicar, with the Consent of the Patron and Ordinary, to lease the Lands allotted to him at the best Rent.

And be it further Enacted, by the Authority aforesaid, That if any of the said Commissioners hereby nominated and appointed, or any Commissioners hereafter to be elected and chosen in Manner herein after-mentioned, shall die or refuse to act, that then and so often it shall and may be lawful to and for the major Part of the then surviving and acting Commissioners, by Writing under their Hands and Seals, to elect, nominate, and appoint One or more Person or Persons not interested in the said intended Inclosure, in the Room and Stead of such Commissioner or Commissioners so dying or refusing to act; which said Commissioners to be from time to time elected and chosen, shall have and are hereby declared to have the same Power and Authority to put this Act into Execution, as if they had respectively been thereby nominated and appointed.

Power to elect Commissioners in the Room of those who shall die or refuse to act.

And be it further Enacted, by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (unless it be the Power hereby given of administering Oaths) until he shall have taken an Oath to the Effect following;

No Commissioner to act unless he take the following Oath.

[ A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, hear and deter-

Words of the Oath.

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mine



*mine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of An Act for dividing and inclosing the open and common Fields, common Meadows, and commonable, Grounds, lying in the Manor and Parish of Denford, in the County of Northampton, without Favour or Affection to any Person whatsoever:*

Which Oath it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners; and the said Oath, so taken and subscribed by each Commissioner, shall be inrolled at the same Time and Place as the Award or Instrument made by the said Commissioners is in and by this Act directed to be inrolled.

The Commissioners to be paid for their Trouble and Expences.

**And it is hereby Enacted and Declared,** That there shall be paid to each of the said Commissioners the Sum of *one Guinea* for every Day wherein they shall respectively attend at any Meeting to be had for the Purposes of this Act, for their Trouble and Charges respectively, and to be raised, levied, and paid in such Manner as the other Charges and Expences of obtaining this present Act are herein before directed and appointed to be raised, levied, and contributed.

Saving of Right to the Owner of the Honour of Gloucester.

**And it is hereby further Enacted,** by the Authority aforesaid, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest, of the present or any future Owner or Owners of the Honour of *Gloucester* within the County of *Northampton*; but that all and every the Owner and Owners thereof for the Time being shall and may, from time to time, and at all Times hereafter, hold and enjoy all Reliefs, Fines, Alienations, Rents, Services, and all other Rights and Privileges to the said Honour belonging, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they might or ought to have held and enjoyed the same in case this Act had not been made.

General Saving.

**Saving always** to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the several Persons having or intitled to any Lands, Grounds, or Common Right, in, over, or upon the open or common Fields and commonable Grounds so intended to be divided and inclosed as aforesaid) all such Estate, Right, Title, and Interest, as they, every, or any of them had and enjoyed of, in, to, or out of the said open and common Fields, common Meadows, and commonable Grounds, so intended to be inclosed, at any Time before the Passing of this Act, or could or ought to have had and enjoyed in case this Act had not been made.



And it is hereby certified that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, at Washington, D. C.

Witness my hand and the seal of the Department of the Interior, at Washington, D. C., this 1st day of January, 1900.



A  
**B I L L**

F O R

Dividing and Inclosing the Common  
Fields and Common Grounds in  
the Manor and Parish of *Denford*,  
in the County of *Northampton*.



